

REMARKS

In response to the above-identified Final Office Action, Applicant seeks reconsideration of the application. In this response, no claims are canceled, no claims are amended, and no claims are added. Accordingly, Claims 1-13, 18, 20, 21 and 23-29 are pending.

I. Claims 28 and 29

In our response to the Office Action dated March 21, 2003, we have added Claims 28 and 29 to the Application. However, the Examiner has failed to address these new Claims 28 and 29 in the latest Office Action dated July 3, 2003. Applicant respectfully requests that the Examiner exam these new claims so that we can formulate an appropriate response.

II. Claim Rejections under 35 U.S.C. 103(a)

Claims 3-6, 8-13, 21, 23 and 25-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nulty in view of Andideh. Applicant respectfully traverses this rejection.

In making this rejection, the Examiner recites verbatim from the arguments set forth in the previous Office Action mailed March 21, 2003. As such, Applicant's arguments set forth in our response to the previous Office Action apply here. Specifically, pursuant to 35 U.S.C. 103(c), Andideh is not an invalid 103(a) reference and does not preclude patentability of Claims 3-6, 8-13, 21, 23 and 25-27 under 35 U.S.C. 103(a).

Applicant respectfully submits that even if Andideh qualifies as prior art under one or more of subsections (e), (f) and (g) of 35 U.S.C. 102, Andideh is not a suitable 103(a) reference, since the subject matter described in Andideh and the subject matter of all pending claims were, at the time the invention was made, commonly owned by the same entity or subject to an obligation of assignment to the same entity, Intel Corporation. Accordingly, pursuant to 35 U.S.C. 103(c), Andideh is an invalid 103(a) reference and does not preclude patentability of Claims 3-6, 8-13, 21-23 and 25-27 under 35 U.S.C. 103(a).

Since Andideh is cited as a reference in rejecting the claims, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 3-6, 8-13, 21-23 and 25-27 under 35 U.S.C. 103(a).

III. Claim Rejections Under 35 U.S.C. 102(e)

Claims 1-13 and 18, 20-21 and 23-27 are rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,362,091 issued to Andideh et al. ("Andideh"). Applicant respectfully traverses this rejection.

In making this rejection, the Examiner again recites verbatim from the arguments set forth in the previous Office Action mailed March 21, 2003. As such, Applicant's arguments set forth in our response to the previous Office Action apply here.

Independent Claim 1 recites, among other things, (1) introducing an etch stop layer directly over a substrate, (2) introducing a base layer over the etch stop layer, (3) introducing a dielectric cap layer over the base layer between an interconnection line and a contact point on the substrate, the dielectric cap layer comprising a plurality of different material layers, wherein each respective layer of the plurality of different material layers is selectively etchable with respect to the etch stop layer (4) introducing a photoimageable material over the dielectric cap layer; and (5) patterning an interconnection to the contact point. Independent Claim 8 recites, among other things, introducing an etch stop layer directly over a substrate, and introducing a dielectric layer comprising a plurality of alternating material layers over the etch stop layer. In accordance with one embodiment, an etch stop layer is disposed directly over a substrate to protect the substrate and devices formed thereon from subsequent etching operations.

It is axiomatic that to anticipate a claim, every element of the claim must be disclosed within a single reference. With respect to Claim 1, Applicant respectfully submits that Andideh neither teaches nor suggests all limitations of this claim. Applicant submits that Andideh fails to disclose introducing an etch stop layer directly over a substrate, introducing a base layer over the etch stop layer, introducing a dielectric cap layer comprising a plurality of different material layers over the base layer, wherein each respective layer of the plurality of different material layers is selectively etchable with respect to the etch stop layer, introducing a photoimageable material over the dielectric cap layer, and patterning an interconnection to the contact point. A review of Andideh shows that Andideh neither teaches nor suggests introducing a dielectric cap layer comprising a plurality of different material layers over the base layer, wherein each respective layer of the plurality of different material layers is selectively etchable with respect to the etch stop layer, as recited by Applicant. Additionally, there is nothing in Andideh that teaches or suggests introducing an etch stop layer directly over a substrate as recited by Applicant. Furthermore, Applicant respectfully submits that the Examiner has not carried the burden of presenting a §102 rejection by failing to point out where all claimed features (e.g., introducing a base layer over the etch stop layer) of Claim 1 can be found within Andideh. In view of the foregoing, Applicant respectfully submits that Claim 1 is not anticipated by Andideh and requests the rejection of Claim 1 be withdrawn.

With respect to Claim 8, Applicant respectfully submits that Andideh fails to teach introducing an etch stop layer directly over a substrate, as recited in Claim 8. In the Office Action, the Examiner equates the layer 102 of Andideh as an etch stop layer as set forth in the claims. The layer 102 shown in Andideh is not introduced directly over the substrate 100.

Rather, as seen by referring to Figures 1a-1c of Andideh, a layer 101 is disposed between the substrate 100 and the layer 102. Since the layer 102 of Andideh is not disposed directly over the substrate, the rejection of Claim 8 is in error.

Dependent Claim 5 recites introducing a plurality of alternating material layers comprises alternating silicon dioxide layers with at least one other material layers. With respect to Claim 5, Applicant respectfully submits that the Examiner has not carried the burden of presenting a §102 rejection by failing to point out where the claimed features of this claim can be found within Andideh. Accordingly, the rejection of Claim 5 is in error.

Dependent Claims 20 and 23 require that the dielectric layer comprising the plurality of different material layers is introduced between the etch stop layer and the photoimageable material layer. With respect to Claims 20 and 23, Applicant respectfully submits that the Examiner has not carried the burden of presenting a §102 rejection by failing to point out where the claimed features of this claim can be found within Andideh. Accordingly, the rejection of Claims 20 and 23 is in error.

Accordingly, Applicant respectfully submits that Claims 1 and 8 are not anticipated by Andideh and requests withdrawal of this rejection. Dependent Claims 2-7, 9-13 and 18, 20, 21, 23-27 are submitted as not being anticipated by Andideh at least for the reasons given in support of their base Claims 1 and 8.


CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance, and such action is earnestly solicited at the earliest possible date. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Dated: July 14, 2003

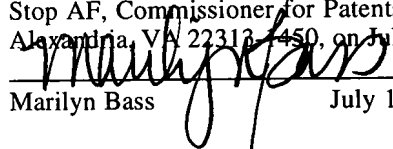


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail , with sufficient postage, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 14, 2003



Marilyn Bass

July 14, 2003